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Male rape: Constructing consent through social attitudes

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Abstract

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both the science of professional knowledge and the extent to which the process of becoming a new professional is an active and productive one for pupils. Finally, I argue that a supplementary way of perceiving the process of becoming a barrister is one in which the ordeal aspects, broadly defined, are weighed up by pupils against the rewards (both immediate and prospective, symbolic and material).

Rumney, Phil & Hanley, Natalie * QB0.15 SO 8.7
Male Rape: Constructing Consent through Social Attitudes

In the last two decades there has been a significant growth in the research that examines the dynamics, impact and prevalence of adult male rape and sexual assault. More recently, there has been a growth in research that has examined the experience of male victims within the criminal justice system. This research has challenged many societal myths regarding adult male sexual victimization and has also highlighted the extent to which misunderstandings regarding male rape influence the attitudes of criminal justice professionals and the wider community.

This paper draws on findings from a research project which seeks to examine student attitudes to male rape by means of focus group discussions. The purpose of this research is to discover the factors that students take into account when making judgments regarding the guilt or innocence of a defendant featured in various scenarios involving an allegation of male rape. Each scenario contains factual variables involving delayed reporting, lack of physical resistance and involuntary physical responses during the alleged rape. The paper will discuss the findings from the first part of this study which highlights student expectations regarding victim behaviour, along with notions of blame and responsibility.

Ryan, Christopher * QB0.14 HL 1.7
Searching for the Elusive “Disciplined Limits” to the Tense Relationship Between the Progressive Development of International Criminal Law and *Nullum Crimen Sine Lege*

Using as a case study the decision of the Special Court for Sierra Leone (“SCSL”) in *Prosecutor v. Sam Hinga Norman* concerning the international criminality of the recruitment and use of child soldiers, this paper raises and discusses some new questions to assist in establishing the “disciplined limits” to the tense relationship between the progressive development of international criminal law and the international human right of an accused to be free from retrospective criminal prohibition, embodied in the legal maxim *nullum crimen sine lege*.

The first question is, in assessing foreseeability of criminal punishment, what standard of review should be applied to the hypothetical lawyer advising the accused at the material time. This paper submits that a standard of perfection, as arguably applied by the SCSL in *Prosecutor v. Norman*, neither reflects generally accepted professional disciplinary standards nor the realities of the practice of law.

The second question is the extent to which ex post facto legal authority may be relied on by a court to establish foreseeability without violating the requirement in international human rights law that criminal law be accessible to the accused at the material time. This paper critiques such reliance in *Prosecutor v. Norman* and the legal authority for and against.

Finally, given that Norman was enlisted by the British Army in 1954 at the age of fourteen and that the recruitment and use of child soldiers were permitted with parental consent by the domestic law of Sierra Leone at the material time, there may be a reasonable possibility that Norman did not appreciate the “manifest criminality” of these acts. This possibility raises the questions of the standard of proof required to establish foreseeability and the relationship between *nullum crimen sine lege* and the defence of mistake of law.